

Message Text

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22

ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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DEAE-00 IO-11 JUSE-00 SNM-02 TRSE-00 OES-03 OMB-01

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FM AMEMBASSY JAKARTA

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EO 11652: NA

TAGS: SOCI SGEN SNAR ETRD ID

SUBJECT: HUMAN RIGHTS AND LAW ENFORCEMENT IN
EAST JAVA

FOLLOWING REPEATS SURABAYA 0076 SENT ACTION JAKARTA
INFO MEDAN DTD 5 FEB 76:

QUOTE

LIMITED OFFICIAL USE SURABAYA 0076

EMBASSY PLEASE RETRANSMIT TO SECSTATE

E.O. 11652: N/A

TAGS: SOCI, SGEN, SNAR, ETRD, ID

SUBJECT: HUMAN RIGHTS AND LAW ENFORCEMENT IN EAST JAVA

SUMMARY: EAST JAVA HIGH PROSECUTOR B.R.M. SIMANDJUNTAK HELD A
PRESS CONFERENCE FEBRUARY 4 TO REVIEW THE WORK OF HIS OFFICE DURING
1975, AND LED OFF WITH SEVERAL REMARKS ABOUT HUMAN RIGHTS AND
PRE-TRIAL DETENTION, A SUBJECT SELDOM DISCUSSED HERE IN THE LAND OF
PANCASILA AND PEMBANGUNAN. HE ALSO PROVIDED INTERESTING FIGURES
ON NARCOTICS AND CORRUPTION ARRESTS, SAID THAT A RECENT DECISION
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OF THE MINISTER OF TRADE ON A SURABAYA SMUGGLING CASE WAS ILLEGAL

AND WOULD NOT BE IMPLEMENTED BY HIS OFFICE, AND DISCUSSED
UPCOMING PKI TRIALS, WITHOUT GIVING FIGURES ON PKI DETAINEES. PRESS
CONFERENCE PROVIDES OPPORTUNITY FOR ME TO ASK HIM DISCREETLY
ABOUT THIS SUBJECT, IF EMBASSY AGREES. END SUMMARY.

1. SIMANDJUNTAK TOLD PRESS THAT HE HAD ORDERED ALL MEMBERS OF
HIS STAFF AND OF THE KABUPATEN KEJAKSAAN NEGERI OFFICES TO
IMMEDIATELY APPROACH THE DISTRICT COURTS (PENGADILAN NEGERI) TO
OBTAIN FIRST PRIORITY FOR TRIALS FOR PERSONS WHO HAD BEEN DETAINED
FOR MORE THAN ONE YEAR. "THESE CASES," HE SAID, "INVOLVE BASIC
HUMAN RIGHTS AND THEREFORE MUST BE TREATED IN A SERIOUS MANNER."
SIMANDJUNTAK ADDED THAT "ANY PERIOD OF PRE-TRIAL DETENTION WHICH
EXCEEDS THE SENTENCE HANDED OUT BY THE JUDGE, OR EVEN THAT DEMAN-
DED BY THE PROSECUTOR, WILL BE REGARDED AS AN ARBITRARY ACT."

2. PROSECUTOR ALSO SAID THAT ALTHOUGH NUMBER OF PERSONS DETAINED
DURING THE YEAR INCREASED FROM 13,188 IN 1974 TO 14,710 IN 1975,
NUMBER REMAINING UNDER DETENTION AT YEAR'S END HAD DECLINED FROM
1,649 IN 1974 TO 1,553 IN 1975. SIMILARLY, CASES STILL IN PROCESS
AT YEAR'S END DECLINED FROM 8,931 IN 1974 TO 6,622 IN 1975.

3. SIMANDJUNTAK MENTIONED THAT ONE GESTAPU/PKI CASE, UNDER
TRIAL IN BLITAR IN 1975, HAD ENDED WHEN THE DEFENDANT DIED IN A
HOSPITAL AT KEDIRI. FIVE NEW CASES, MOSTLY ALLEGED PKI "SPECIAL
BUREAU" OPERATIVES, ARE TO BE TRIED IN THE NEXT FEW MONTHS IN
VARIOUS TOWNS IN EAST JAVA.

4. THE NUMBER OF "NARCOTICS VICTIMS" DECLINED FROM 70 IN 1974
TO 55 IN 1975, AND THE NUMBER OF NARCOTICS PEDDLARS ARRESTED
DECLINED FROM 20 IN 1974 TO 9 IN 1975.

5. OVERALL, THE NUMBER OF CRIMES COMMITTED DECLINED IN EAST JAVA
DURING THE YEAR, WHILE THE NUMBER OF ARRESTS INCREASED.
TRIALS OF CORRUPTION CASES INCREASED, AS DID THE AMOUNTS
INVOLVED, TOTALLING CLOSE TO 800 MILLION RUPIAH. MOST OF THESE
CASES INVOLVED EMBEZZLEMENT OF GOVERNMENT FUNDS OR BANK CREDITS.

6. ONE INTERESTING SMUGGLING CASE THAT SIMANDJUNTAK REVIEWED
WAS AN ATTEMPT ON SEPTEMBER 11 BY A JAKARTA FIRM "P.T. SANGKAAN
URIP" TO SMUGGLE 2,000 BALES OF PAKISTANI COTTON YARN THROUGH
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THE PORT OF SURABAYA, IN VIOLATION OF A DEPARTMENT OF TRADE REGU-
LATION ISSUED IN 1974. THE PROSECUTOR'S OFFICE, ACTING ON A TIP,
SEIZED THE YARN AND REMANDED THE CASE FOR TRIAL. WHILE THE
CASE WAS UNDER INVESTIGATION, SIMANDJUNTAK SAID, HIS OFFICE
RECEIVED A NEW "MINISTER OF TRADE DECISION DATED OCTOBER 23, 1975"
WHICH DIRECTED HIM TO DROP THE CASE AND TURN THE YARN OVER TO
A FIRM NAMED "P.T. KERTA NIAGA" IN SURABAYA. SIMANDJUNTAK
STATED THAT HE BELIEVES THIS DECISION, IN EFFECT, IS ILLEGAL,

AND HE HAS INSTRUCTED THE SURABAYA PORT PROSECUTOR TO BRING THE CASE TO TRIAL.

7. COMMENT: IN MID-1975, SIMANDJUNTAK WENT ON A FIVE-WEEK "STUDY TOUR" THROUGH A NUMBER OF OTHER ASIAN COUNTRIES--SPENDING MOST TIME IN JAPAN--AND TOLD ME HE WAS IMPRESSED AT THE EFFICIENCY AND HONESTY HE HAD FOUND IN THEIR LEGAL SYSTEMS. HE IS UNMARRIED, LIVES FRUGALLY, AND FINANCED HIS TRIP PARTLY FROM HIS OWN SAVINGS. HIS REFERENCES TO HUMAN RIGHTS AND HIS UNUSUAL WILLINGNESS TO CHALLENGE A JAKARTA MINISTER ON A SMUGGLING CASE MAY STEM FROM HIS OBSERVATIONS ON THIS TRIP. ALTHOUGH HE DID NOT DWELL ON SUBJECT OF PKI DETAINEES, PRESS CONFERENCE PROVIDES A LOGICAL OPENING FOR ME TO EXPLORE THIS SUBJECT WITH HIM IN GENERAL TERMS AT NEXT SOCIAL EVENT, IF EMBASSY AGREES.

HOWLAND

UNQUOTE

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